



**Monday, July 10, 2017
MAYOR AND COUNCIL
MEETING NO. 24-17
ROCKVILLE, MARYLAND**

Approved: <i>Bridget Donnell Newton</i>
Attest: <i>Sara Taylor-Ferrell</i>
Approved Meeting Number and Date: 27-17; September 18, 2017

THE HONORABLE MAYOR AND COUNCIL PRESIDING

Attendee Name	Title	Status
Bridget Donnell Newton	Mayor	Present
Beryl L. Feinberg	Councilmember	Present
Virginia D. Onley	Councilmember	Present
Julie Palakovich Carr	Councilmember	Present
Mark Pierzchala	Councilmember	Present

1. Convene

The Mayor and Council convened in a regular meeting at 6:30 p.m. on Monday, July 10, 2017 in the Mayor and Council Chambers, City Hall, 111 Maryland Avenue, Rockville, Maryland.

2. Pledge of Allegiance

Mayor Newton led the Pledge of Allegiance.

Note: Mayor Newton took a moment to express her thoughts and prayers to Kathleen Conway, City Clerk/Director of Council Operations and her family for the loss of her father Michael F. Conway. Mr. Conway was a resident of Rockville since 1961 and he served in three wars; World War II, Korean and Vietnam. She also thanked him for his years of service to the Country.

3. Agenda Review

Deputy City Clerk Sara Taylor-Ferrell reported that there were no changes to the agenda.

4. City Manager's Report

City Manager Rob DiSpirito presented information on the following topics:

Special Events

Nearly 1,000 runners participated in the second annual **Suds and Soles 5K Race** in Town Center on Saturday, June 24. Several hundred spectators cheered on the runners and joined them for a festival with live music, craft beer and children's activities.

This year's race raised approximately \$10,000 for the Rockville Recreation Fund, which provides financial assistance for low income families to participate in recreation programs.

This was the 3rd year that the City held its **Independence Day Celebration** at Mattie J.T. Stepanek Park in King Farm.

The City Manager thanked all staff, across City Departments, who worked to bring these events to our community.

New Grants received by the City for FY18.

The Maryland Department of Natural Resources has awarded a **Community Parks and**

Playgrounds grant to the City in the amount of \$131,500, for the Croydon Creek Park Playground.

The funds will be used to replace the existing 21-year-old playground, and install new picnic tables and benches.

The Senior Center has been approved for a \$48,052 grant from Montgomery County Adult English Literacy to continue its **English Program** for seniors. The Senior Center offers three 10-week sessions for approximately 55 adult **English Speakers of Other Languages** each year.

Congratulations to staff in the Recreation and Parks Department who worked on these grants.

Other Community Events

Rockville Human Rights Commission and artists from Dance Exchange will engage participants in **intergenerational story-sharing centered around the challenges, resilience and action of the LGBTQ community** on Wednesday, July 12, from 6:30 - 8:30 p.m. at the Twinbrook Community Recreation Center.

The free program is designed to build intergenerational connections between the LGBTQ community and the broader community. For more information, contact Janet Kelly at 240-314-8316 or email her at jkelly@rockvillemd.gov

A reminder of the next community meeting for the **Stonestreet Corridor Study** will be this Thursday, July 13, beginning at 7:00 p.m., at the Lincoln Park Community Center.

The focus of the meeting will be sites owned by Montgomery County Public Schools, which many community members mentioned as centrally important at the May kickoff meeting for the study. MCPS representatives will be participating in the meeting.

For more information and any questions, contact Andrea Gilles at 240-314-8273.

5. Consent Agenda

Authorization to Terminate and Release the Phase 1 Stormwater Management (SWM) Easement and Inspection and Maintenance Agreement Located at the King Farm Presbyterian Retirement Community, Ingleside at King Farm (item moved off consent)

6. Authorization to Terminate and Release the Phase 1 Stormwater Management (SWM) Easement and Inspection and Maintenance Agreement Located at the King Farm Presbyterian Retirement Community, Ingleside at King Farm

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Beryl L. Feinberg, Councilmember
SECONDER:	Mark Pierzchala, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

7. Fiscal Year 2017 Fourth Quarter Vacancy Report

Human Resources Director Karen Marshall opened the discussion with a review of the Vacancy Report to the Mayor and Council followed by questions and comments.

Councilmember Feinberg thanked Ms. Marshall, City Manager and Budget staff for the complete vacancy report.

8. 2018 Maryland Municipal League Legislative Action Requests

Linda Moran, Assistant to the City Manager reviewed the proposed 2018 Maryland Municipal League Legislative Action Request (LAR) for discussion and approval.

The Mayor and Council agreed to add support for the following two requests:

- Restoration of Municipal Highway User Revenue (HUR)
- Amendment to the Maryland Public Information Act (MPIA)- Authority to Deny Requests to State and Local Governments for Large Databases of Email Addresses in Certain Circumstances

Councilmember Pierzchala asked that staff to research whether information given by citizens during program registrations would be subject to MPIA request.

9. Proclamations

A. Proclamation Declaring July 16, 2017 as Mattie J.T. Stepanek Peace Day in Rockville

Mayor Newton proclaimed July 16, 2017 as Mattie J. T. Stepanek Peace Day in Rockville and presented the Proclamation to Dr. Jeni Stepanek.

Mayor Newton presented the Proclamation to Dr. Jeni Stepanek, who reminded all that both she and Mattie choose to live in Rockville City because of the City's diversity and life style and it was the perfect place to settle for Peace.

The Peace Day celebration will be held on Sunday, July 16, 2017, at Bota Nero & Fontina Grill in King Farm.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Virginia D. Onley, Councilmember
SECONDER:	Mark Pierzchala, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

B. Proclamation Declaring Tuesday, August 1, 2017 as National Night Out in Rockville

Councilmember Onley proclaimed August 1, 2017 as National Night Out and presented the Proclamation to three neighborhood churches.

1. Ms. De'Ana Dow and Deacon Mary McLean, Mt. Calvary Baptist
2. Rev. Jill McCrory and Rev. Deb Vaughn, Twinbrook Baptist and
3. Carlos Hercules, Yvette Sulio and Florice Ritter, Rockville Seventh Day Adventist Church.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Virginia D. Onley, Councilmember
SECONDER:	Julie Palakovich Carr, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

10. Presentation

A. Certificates of Recognition - Project SEARCH Program

Councilmember Feinberg provided a brief overview on the Project Search program and presented certificates to Solumaz Jahanbin, Elise Larson and Mark Friedrich students who participated and worked in the City of Rockville City Clerk's Office.

Karen Hochberg from the Project Search program thanked Councilmember Feinberg for her support in getting the City involved and special thanks for the Mayor and Council's support and making the graduates feel special.

11. Boards and Commissions Appointments/Reappointments and Announcements of Vacancies

Motion: to appoint Karen Gallant to the Cultural Arts Commission to complete an unexpired term and serve as a member until February 1, 2019

Moved by Councilmember Pierzchala, seconded by Councilmember Onley and approved unanimously.

Motion: to reappoint John Becker to the Environment Commission to serve as a member until June 1, 2020

Moved by Councilmember Onley, seconded by Councilmember Feinberg and approved unanimously.

Motion: to appoint Monica Renee Savaas to the Environment Commission to complete an unexpired term and serve as a member until March 1, 2018

Moved by Councilmember Palakovich Carr, seconded by Councilmember Pierzchala and approved unanimously.

Motion: to appoint Seymour Garte to the Environment Commission to complete an unexpired

term and serve as a member until December 1, 2017

Moved by Councilmember Pierzchala, seconded by Councilmember Onley and approved unanimously.

Motion: to appoint Larry Giammo to Historic District Commission to serve as a member until May 1, 2020

Moved by Councilmember Feinberg, seconded by Councilmember Pierzchala motion failed 2-3 with Onley, Palakovich Carr and Pierzchala opposing.

Motion: to appoint Wangari Kamau to the Human Rights Commission to serve as a member until April 1, 2019

Moved by Councilmember Feinberg, second by Councilmember Pierzchala and approved unanimously.

Motion: to reappoint William Silverman to the Landlord Tenant Affairs Commission to serve as a Landlord Tenant Representative member until August 1, 2018

Moved by Councilmember Pierzchala, seconded by Councilmember Onley and approved unanimously.

Motion: to appoint Ryan Spaulding to the Recreation and Parks Advisory Board to serve as a member until September 1, 2020

Note: applicant withdrew his Expression of Interest

Motion: to appoint Anne Herbster to the Senior Citizens Commission to serve as a member until January 1, 2020

Moved by Councilmember Feinberg, seconded by Councilmember Onley and approved unanimously.

Motion: to reappoint Tom Gibney to the Traffic and Transportation Commission to serve as a member until May 1, 2020

Moved by Councilmember Palakovich Carr, seconded by Councilmember Pierzchala and approved unanimously.

Mayor Newton announced the current Boards and Commission vacancies.

12. Community Forum

<i>Name</i>	<i>Topic</i>
Senator Cheryl Kagan	Thanks to Tim Chestnut and staff for the July 4 th Celebration and Banning Polystyrene
Tom Curtis	Farmer's Market
David Brenner	Citation
Ruth Hanessian	Thanks to Ms. Ferrell for making sure a senior received tickets for July 4 th celebration and upcoming events for Science Café
Jill Cornish	Thanks to Mayor and Council for all the City does for seniors in Rockville
Drew Powell	Thanks to everyone for coming out to the Rockville Sister City Meet and Greet, announcements of RSCC upcoming events and asked that staff follow a federal bill on Sanctuary Cities

13. Mayor and Council's Response to Community Forum and Announcements

Councilmember Palakovich Carr responded to Mr. Powell regarding tracking the federal legislation and she thanked Senator Kagan for coming and for supporting a ban on polystyrene.

Councilmember Pierzchala thanked Mr. Powell for being so diligent regarding the Sanctuary Bill, and confirmed the City continues to follow federal law. Councilmember Pierzchala also responded to Ms. Cornish regarding his vote against Historic District Commission appointment.

The Mayor and Councilmember Onley thanked everyone for their participation in Community Forum.

14. Mayor and Council Reports

The Mayor and Council provided updates on their recent activities, including Boards and Commission meetings and Community Events.

Councilmember Feinberg stated she attended the Community Ministries of Rockville Language Graduation; Rockville Sister City Meet and Greet; Swim Center Open House; Interfaith Clothing Center Tour; Rockville Permitting Stakeholders Forum. She promoted a new County grant initiative and encouraged everyone to attend the meeting on Security Grants Faith-based organizations experiencing hate crimes or facing the threat of hate crimes on Tuesday, July 12, 6:00-8:00 p.m. at 19411 Woodfield Road.

Councilmember Palakovich Carr attended the New Student Services building ground breaking at Montgomery College.

Councilmember Pierzchala reported that he also attended the Community Ministries of Rockville Language Graduation; Suds and Soles; MML Summer Conference; Rockville Housing Enterprises meeting; Rockville Sister City Meet and Greet; July 4th celebration; Environment

Commission; Charles E. Smith Tour at the Hebrew House and a baseball game with the Rockville Baseball Association.

Councilmember Onley stated she attended the Community Ministries of Rockville Language Graduation; Rockville Sister City Meet and Greet; July 4th celebration and the 2017 MML Summer Conference and Tour of Charles E. Smith Hebrew Home.

Mayor Newton stated she attended the 2017 MML Summer Conference, she enjoyed the conference as most municipalities are non-partisan and work for the better for all cities and towns.

Councilmember Pierzchala also congratulated Mayor Newton on her election as the President Elect of the Maryland Municipal League (MML).

15. Public Hearing on an Ordinance to Amend Chapter 17 of the Rockville City Code

Jessica Blow, Director of Procurement presented a summary of the ordinance to amend Chapter 17 of the Rockville City Code, prior to the Public Hearing. Mayor Newton opened the Hearing for public testimony at 8:12 p.m.

The complete official record of the Public Hearing file of the Mayor and Council can be found in the City Clerk's office. With there being no speakers, Mayor Newton closed the Public Hearing at 8:17 p.m.

Mayor and Council noted the Record would remain open until August 1, 2017.

16. Authorization to File Zoning Text Amendment - Alcoholic Beverage Production

Deane Mellander, Principal Planner led the discussion on the Alcoholic Beverage Production with the Mayor and Council.

Motion: to authorize the filing of the proposed text amendment and schedule the Public Hearing for September 11, 2017

Moved by Councilmember Pierzchala, seconded by Councilmember Onley.

Councilmember Feinberg proposed to amend the text amendment to add MIX from P to C and Mix Use MXE from P to C condition under 250ft. lot pre-k, public or private school

Motion: to withdraw motion to authorize the filing of the proposed text amendment

Moved by Councilmember Pierzchala, seconded by Councilmember Feinberg.

Motion: to authorize the filing of the text amendment as amended and set a Public Hearing for September 11, 2017

Moved by Councilmember Pierzchala, seconded by Councilmember Feinberg, and approved unanimously.

17. Introduction and Possible Adoption of an Ordinance to Amend Chapter 5 of the Rockville City Code Entitled “Buildings and Building Regulations,” Article V “Basic Building Code,” Division 3, “Technical Standards” by Deleting the Local Amendments Pertaining to Automatic Sprinkler Systems and Allowing the Provisions Relating to Automatic Sprinkler Systems in the International Code Council International Building Code 2015 Edition to Apply

Andrew Gunning, Acting Director, Community Development and Planning Services opened the discussion and introduced Robbiah Sabbakh Khan, Chief of Inspections Services who led the discussion on the review of the amendments to Chapter 5.

Motion: to introduce the ordinance

Moved by Councilmember Feinberg.

Motion: to waive the layover period

Moved by Councilmember Palakovich Carr, seconded by Councilmember Onley, and approved unanimously.

Motion: to adopt the ordinance

Moved by Councilmember Pierzchala, seconded by Councilmember Feinberg, and approved unanimously.

18. Authorization to File a Zoning Text Amendment - to Amend Article 20 to Delete References to the Fire and Emergency Service Protection Provision

Deane Mellander, Principal Planner provided brief remarks and review of last month’s discussion on the proposed APFS revisions and opened for discussion.

Motion: to authorize filing of zoning text amendment and set joint public hearing with Planning Commission on September 18, 2017

Moved by Councilmember Pierzchala, seconded by Councilmember Onley, and approved unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mark Pierzchala, Councilmember
SECONDER:	Virginia D. Onley, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

19. Adoption of a Resolution to Establish the Fine for a Municipal Infraction for Smoking and Vaping in Outdoor Serving Areas of Eating and Drinking Establishments

Jenny Kimball, Deputy City Manager opened the discussion with brief remarks to the Mayor and Council followed by questions, comments and further discussion.

Motion: to adopt the resolution to establish the fine for Municipal Infraction for Smoking and Vaping in Outdoor Serving Areas of Eating and Drinking Establishments

Moved by Councilmember Feinberg, seconded by Councilmember Onley and approved unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Beryl L. Feinberg, Councilmember
SECONDER:	Virginia D. Onley, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

20. Authorization to File a Text Amendment to Delete Certain Uses in the MXE (Mixed-Use Employment) Zone

Deane Mellander, Principal Planner led discussion to the Mayor and Council and opened for questions and comments.

After a lengthy discussion, the Mayor and Council agreed to schedule a worksession in September to inform the public and to have more information provided as this was the first time this topic had been brought before them.

The meeting recessed at 9:08 p.m. and reconvened at 9:18 p.m.

21. Boards and Commissions Task Force Discussion

Councilmember Pierzchala led the discussion on the proposed draft Boards and Commissions Task Force.

Councilmember Feinberg suggested having articles provided on all boards and commissions to read over the summer but to exclude the Board of Appeals, Historic District Commission, and Planning Commission.

Motion: to instruct City Manager and City Clerk/Director of Council of Operations to advertise and conduct research for worksession in Fall 2017 and to compose proper scope of the Task Force.

Moved by Councilmember Pierzchala, seconded by Councilmember Palakovich Carr and unanimously approved.

Councilmember Onley thanked City Manager DiSpirito for his input.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mark Pierzchala, Councilmember
SECONDER:	Julie Palakovich Carr, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

22. Authorization to File a Zoning Text Amendment to Implement the Rockville Pike Neighborhood Plan

Deane Mellander, Principal Planner led the discussion on the authorization to file zoning text amendment to implement the Rockville Neighborhood Plan. The Mayor and Council discussed establishing a new mixed-use zone in Article 12 of Chapter 25 "Zoning Ordinance" and revise certain other permitted land uses on the most significant components of the proposed text amendment.

- ☐ Zones
- ☐ Proposed new Mixed-Use Corridor transition (MXCT) Zone
- ☐ Champion Projects
- ☐ Building Height Measurements - Feet vs. Stories
- ☐ Development Standards table: Public Use Space
- ☐ Layback Slope
- ☐ Zoning Implementation

Note: Councilmember Feinberg left the meeting at 11:27 p.m. due to illness.

After filing of the text amendment, it will be forwarded to the Planning Commission for review and comment.

Motion: to authorize the filing of text amendment and hold public hearing on October 16, 2017

Moved by Councilmember Palakovich Carr, seconded by Councilmember Pierzchala and approved 4-0, with Councilmember Feinberg absent.

RESULT:	APPROVED [4 TO 0]
MOVER:	Julie Palakovich Carr, Councilmember
SECONDER:	Mark Pierzchala, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala
ABSTAIN:	Councilmember Feinberg

23. Review and Comment - Mayor and Council Action Report

The Mayor and Council reviewed the Action Report.

Councilmember Palakovich Carr requested adding a place holder for the polystyrene discussion and Councilmember Pierzchala would like to make sure the Environment Commission's input is included as part of the staff report and invited to attend the meeting.

24. Review and Comment - Future Agendas

The Mayor and Council reviewed the Future Agendas.

Andrew Gunning, Acting Director Community Planning and Development Services requested that the Mayor and Council use the same process as the King Farm project to approve the additional units of 30 to 36 and set the public hearing for September 18, 2017.

25. Old/New Business

Motion: to authorize City Manager to sign letter of intent on behalf of the Mayor and Council for Ingleside and authorize staff to conduct public hearing and meet all notice requirements

Moved by Councilmember Palakovich Carr, seconded by Councilmember Onley and approved unanimously.

Motion: to declare July 17 as Mattie T.J. Stepanek Peace Day every year in the City of Rockville without having to request

Moved by Councilmember Pierzchala, seconded by Councilmember Onley and approved unanimously.

26. Adjournment

The meeting adjourned at 11:52 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Julie Palakovich Carr, Councilmember
SECONDER:	Mark Pierzchala, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala